

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to apprenticeship
and providing an opportunity for public comment**

The Iowa Board of Barbering hereby proposes to amend Chapter 21, “Licensure,” and Chapter 22, “Infection Control for Barbershops and Barber Schools,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 158 and sections 147.76 and 272C.16.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147 and 158 and section 272C.16.

Purpose and Summary

This proposed rule making implements the provisions of 2021 Iowa Acts, Senate File 424, which recognizes registered U.S. Department of Labor apprenticeships as a pathway to licensure, and provides guidance to license holders on their responsibilities to the public and their apprentices when operating an apprenticeship. Updates are also being made to clarify that apprenticeship hours earned while a person is in the custody of the Department of Corrections are transferable to other apprenticeships.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed.

Jobs Impact

This rule making implements 2021 Iowa Acts, Senate File 424, which impacts the Governor’s priorities of creating another pathway for training and licensure.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Venus Vendoures Walsh
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.0254
Fax: 515.281.3121
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 12, 2022
9 to 9:30 a.m.

Via video/conference call
Zoom Meeting ID: 814 5857 0168
Passcode: 134235
(US) + 1.312.626.6799 (toll)
Access code: 134235

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **645—21.1(158)**, definition of "Apprentice," as follows:

"Apprentice" means any person, other than a helper, journey person, or master, who is working under the supervision of either a master or a journey person and is progressing toward completion of a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while learning and assisting in the practice of barbering a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

ITEM 2. Adopt the following **new** definitions of "Apprenticeship program" and "Apprenticeship sponsor" in rule **645—21.1(158)**:

"Apprenticeship program" means a program registered by the Office of Apprenticeship of the United States Department of Labor which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed barbershop as outlined in Iowa Code section 272C.16.

"Apprenticeship sponsor" means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered by or approved by the Office of Apprenticeship of the United States Department of Labor.

ITEM 3. Amend paragraph **21.2(1)“c”** as follows:

c. Applicants shall provide an official copy of the transcript or diploma sent directly from the school to the board showing proof of completion of training at a barber school licensed by the board. If the applicant graduated from a school that is not licensed by the board, the applicant shall direct the school to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—23.8(158). ~~If the applicant completed a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the director of the department of corrections, the applicant shall request the department of corrections to provide an official transcript showing completion of the apprentice program.~~

ITEM 4. Reletter paragraphs **21.2(1)“d”** to **“h”** as **21.2(1)“e”** to **“i.”**

ITEM 5. Adopt the following new paragraph **21.2(1)“d”**:

d. If the applicant has graduated from an apprenticeship program, the applicant must direct the United States Department of Labor to submit a certificate of completion. If the applicant completed all or part of a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the director of the department of corrections, the applicant shall request the department of corrections to provide an official transcript showing completion of all or part of the apprenticeship program.

ITEM 6. Amend paragraph **21.2(3)“a”** as follows:

a. Complete all requirements stated in ~~subrule 21.2(1), paragraphs “a”~~ paragraphs 21.2(1) “a” and “d” “e”;

ITEM 7. Adopt the following new subrule 21.2(7):

21.2(7) Persons licensed under this chapter who provide apprenticeship programs must hold an active license sufficient to provide on-the-job training, must operate an actively licensed establishment and must comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

ITEM 8. Adopt the following new definitions of “Apprentice,” “Apprenticeship instructor,” “Apprenticeship program,” “Apprenticeship sponsor” and “On-the-job trainer” in rule **645—22.1(158)**:

“*Apprentice*” means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

“*Apprenticeship instructor*” means an instructor who delivers theory instruction in apprenticeship programs and who must meet the United States Department of Labor’s requirements for career and technical instructors. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

“*Apprenticeship program*” means a program registered by the Office of Apprenticeship of the United States Department of Labor which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed barbershop as outlined in Iowa Code section 272C.16.

“*Apprenticeship sponsor*” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered by or approved by the Office of Apprenticeship of the United States Department of Labor.

“*On-the-job trainer*” means the individual providing instruction and supervision of the apprenticeship program practical hours. This individual must be a licensee of the board in the discipline for which they are training, and the training must occur in a licensed establishment.

ITEM 9. Amend subrule 22.3(5) as follows:

22.3(5) Each licensee and apprentice shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 10. Adopt the following **new** subrule 22.3(6):

22.3(6) A sign shall be clearly displayed in the entrance of the barbershop that indicates in prominent lettering that an apprentice is employed and may perform services under the supervision of a licensed apprenticeship supervisor.

ITEM 11. Adopt the following **new** subrule 22.4(3):

22.4(3) Each barbershop owner who provides apprenticeship programs must ensure on-the-job trainers are licensed and operating in an actively licensed establishment and comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.